

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 5/24/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Condemnation of property for Acorn Street Drainage Project.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for fee simple title to property for the Acorn Street Drainage Project.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 5/16/2012

RESOLUTION NO. 12-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn fee simple title to the following described parcel of land, viz:

See Exhibit "A," which is attached hereto and incorporated herein, a copy of which being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A copy of the Tax Assessor map for the tract is attached as Exhibit "B."

2. That the obtainment of the foregoing property is necessary for the Acorn Street Drainage Project, Project No.65-12-DM19, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause said above described properties be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for their taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the said above described properties for said City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of the said property pursuant to the eminent domain code are hereby ratified.

6. That in case of failure to acquire said properties for purposes aforesaid by purchase from the owner or owners thereof, the said Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of said property by the exercise of the right of eminent domain.

ADOPTED this the 24th day of May, 2012.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 24th day of May, 2012.

Tommy Battle
Mayor of the City of Huntsville,
Alabama

Exhibit "A"

Lot 310, according to the Survey of Nature's Landing at the Reserve, Phase 1 as recorded in Plat Instrument No. 20070830000619510 in the Probate Office of Madison County, Alabama.

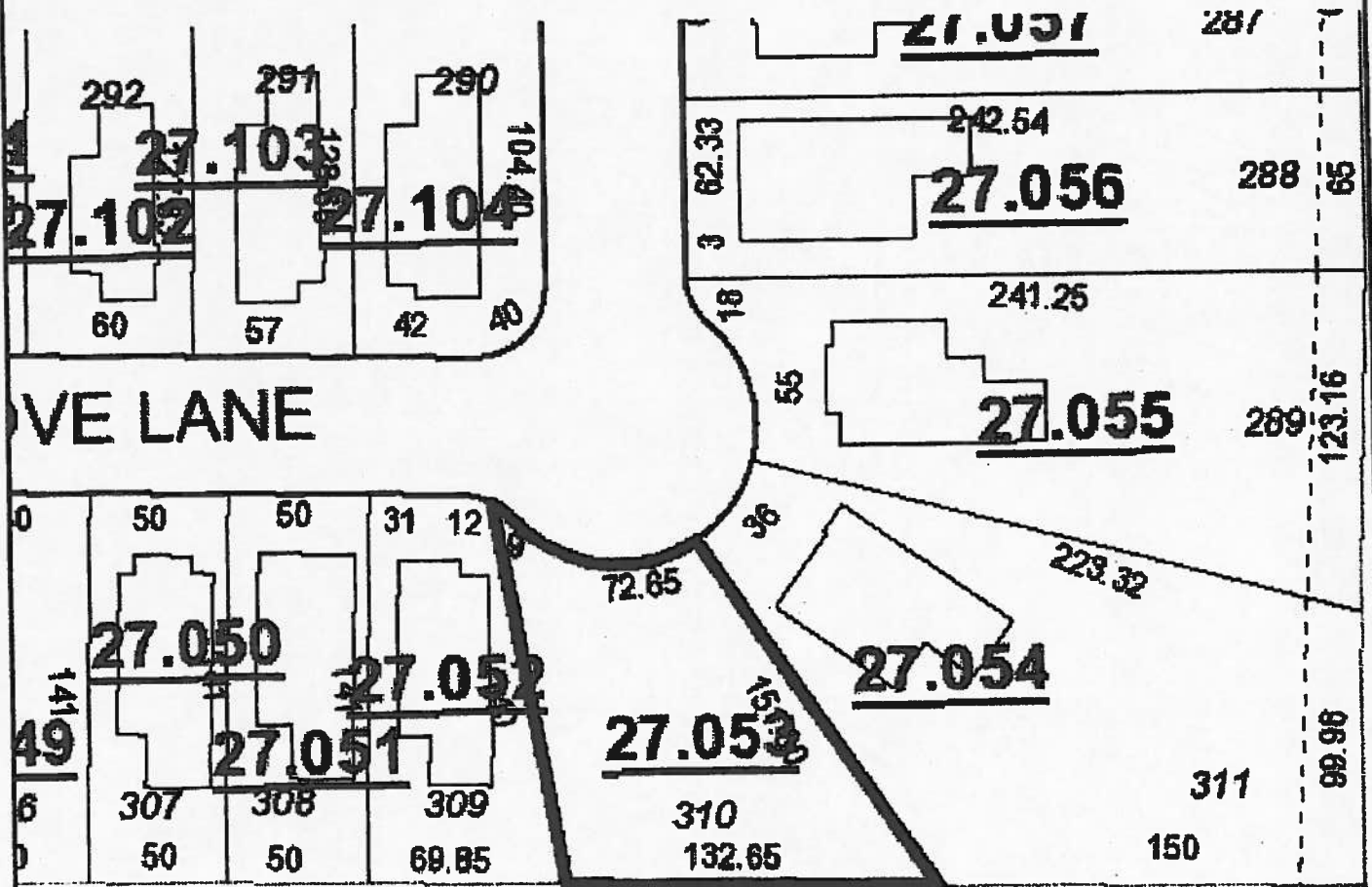
Fran Hamilton Tax Assessor Madison County

Exhibit "B"

Printed Tue May 15 2012

Maps are for Tax Purposes Only, Not to be Used for Conveyance.

Powered by EMapsPlus.com



16-08-28-0-000-027.053
PPIN: 523922

(s) 89